

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 04-_____
	:	
v.	:	DATE FILED:_____
	:	
ANTHONY ANGELO WINFREY and	:	VIOLATIONS:
JAMES BOSTICK JR.,	:	21 U.S.C. § 846
a/k/a “Rody”	:	(conspiracy to distribute
	:	cocaine - 1 count)
	:	21 U.S.C. § 841(a)(1)
	:	(possession with intent to
	:	distribute cocaine - 1 count)
	:	21 U.S.C. § 846
	:	(attempted possession with
	:	intent to distribute cocaine -
	:	1 count)
	:	18 U.S.C. § 2
	:	(aiding and abetting)
	:	21 U.S.C. § 853
	:	(forfeiture)
	:	Notice of prior convictions
	:	Notices of additional
	:	factors

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. On or about July 28, 2004, at Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

ANTHONY ANGELO WINFREY and
JAMES BOSTICK JR., a/k/a “Rody”

conspired and agreed, together and with persons unknown to the grand jury, to knowingly and

intentionally distribute more than 5 kilograms, that is approximately 7 kilograms, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendant **ANTHONY ANGELO WINFREY**, a resident at 1810 South Broad Street, Apartment 2B, would receive cocaine in parcels from others known and unknown to the grand jury in Texas via Express Mail and Federal Express services.

3. Defendant **ANTHONY ANGELO WINFREY** would remove the cocaine that was packed in boxes from the parcels and place the boxes containing the cocaine in plastic bags in preparation for pick-up by codefendant **JAMES BOSTICK JR.**

4. Defendant **JAMES BOSTICK JR.** would arrive at 1810 South Broad Street, Apartment 2B, Philadelphia, to receive the plastic bags containing the cocaine in boxes from defendant **ANTHONY ANGELO WINFREY** for delivery to persons known and unknown to the grand jury.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the defendants, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

1. On or about July 28, 2004, defendant **ANTHONY ANGELO WINFREY** received approximately 3 kilograms of cocaine in two separate parcels sent from others known and unknown to the grand jury in Texas via Federal Express services.

2. On or about July 28, 2004, defendant **ANTHONY ANGELO WINFREY** attempted to receive approximately 3 kilograms of cocaine when he accepted two separate parcels that were sent from others known and unknown to the grand jury in Texas via Express Mail services.

3. On or about July 28, 2004, defendant **ANTHONY ANGELO WINFREY** removed the boxes from the parcels that he had just received from Texas and placed the boxes in two separate plastic bags.

4. On or about July 28, 2004, defendant **JAMES BOSTICK JR.** traveled to 1810 S. Broad Street, Apartment 2B, in a rented Nissan Altima with a person known to the grand jury to pick up the cocaine that had been delivered to defendant **ANTHONY ANGELO WINFREY**.

5. On or about July 28, 2004, defendant **JAMES BOSTICK JR.** met with defendant **ANTHONY ANGELO WINFREY** inside 1810 S. Broad Street. **WINFREY** handed to **BOSTICK** the two plastic bags with the boxes containing the cocaine that had been sent from Texas.

6. On or about July 28, 2004, defendant **JAMES BOSTICK JR.** took the two plastic bags that he had received from defendant **ANTHONY ANGELO WINFREY** and placed them inside of the trunk of a Nissan Altima that was stopped outside of 1810 S. Broad Street.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 28, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendants

**ANTHONY ANGELO WINFREY and
JAMES BOSTICK JR., a/k/a “Rody”**

knowingly and intentionally possessed with the intent to distribute, and aided and abetted the possession with intent to distribute of, more than 500 grams, that is, approximately 3 kilograms, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 28, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendants

**ANTHONY ANGELO WINFREY and
JAMES BOSTICK JR., a/k/a “Rody”**

knowingly and intentionally attempted to possess with intent to distribute, and aided and abetted the attempt to possess with intent to distribute of, more than 500 grams, that is, approximately 3 kilograms, of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846 and 841(b)(1)(B), and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1) set forth in Counts One through Three of this indictment, the defendants

**ANTHONY ANGELO WINFREY and
JAMES BOSTICK JR., a/k/a “Rody”**

shall forfeit to the United States under Title 21, United States Code, Section 853:

any and all real or personal property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code as charged in this Indictment including:

any and all real or personal property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of Title 21, United States Code as charged in this Indictment.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to

seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF PRIOR CONVICTIONS

THE GRAND JURY FURTHER CHARGES THAT:

Defendant JAMES BOSTICK JR., a/k/a "Rody," committed the offenses charged in Counts One, Two, and Three of this indictment after having been convicted of the following felony drug offenses:

1. On or about November 5, 1990, in the Court of Common Pleas of Philadelphia County in the Commonwealth of Pennsylvania, No. 8911-3053, the defendant was convicted of a felony drug offense, specifically, possession with the intent to deliver a controlled substance, in violation of the laws of the Commonwealth of Pennsylvania.

2. On or about July 17, 1995, in the Court of Common Pleas of Philadelphia County in the Commonwealth of Pennsylvania, No. 9306-0740, the defendant was convicted of a felony drug offense, specifically, possession with the intent to deliver a controlled substance, in violation of the laws of the Commonwealth of Pennsylvania.

3. On or about July 17, 1995, in the Court of Common Pleas of Philadelphia County in the Commonwealth of Pennsylvania, No. 9405-3639, the defendant was convicted of a felony drug offense, specifically, possession with the intent to deliver a controlled substance, in violation of the laws of the Commonwealth of Pennsylvania.

4. On or about July 17, 1995, in the Court of Common Pleas of Philadelphia County in the Commonwealth of Pennsylvania, No. 9410-0143, the defendant was convicted of a felony drug offense, specifically, possession with the intent to deliver a controlled substance, in violation of the laws of the Commonwealth of Pennsylvania.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in Count One through Three of this indictment, defendant

ANTHONY ANGELO WINFREY

a. Committed an offense and relevant conduct involving more than 5 kg of cocaine, as described in U.S.S.G. § 2D1.1(a)(3).

b. Committed an offense in which dangerous weapons, that is, two firearms, were possessed, as described in U.S.S.G. § 2D1.1(b)(1).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offenses charged in Count One through Three of this indictment, defendant

JAMES BOSTICK JR., a/k/a “Rody”

a. Committed an offense and relevant conduct involving more than 5 kg of cocaine, as described in U.S.S.G. § 2D1.1(a)(3).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney